

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KHALED HASSAN §
Plaintiff, §
vs. § CIVIL ACTION NO.:
QATAR AIRWAYS §
Defendants. §

DEFENDANT'S NOTICE OF REMOVAL

Defendant Qatar Airways (“Defendant”) hereby removes to this Court the action styled *Khaled Hassan v. Qatar Airways.*, Cause No. 2022-74581, from the 334th District Court of Harris County, Texas, pursuant to 28 U.S.C. §§ 1331, 1441(d), and 1446. Removal of this action is proper because Plaintiff Khaled Hassan (“Plaintiff”) sued a foreign state as defined in 28 U.S.C. § 1603(a)-(b) and Plaintiff’s cause of action is governed by International Treaties. In support of removal, Defendant states the following:

I.
FACTUAL AND PROCEDURAL BACKGROUND

On November 11, 2022, Plaintiff filed his Original Petition (“Petition”) and commenced a civil action against Defendant in the 334th District Court of Harris County, Texas, styled *Khaled Hassan v. Qatar Airways.*, Cause No. 2022-74581 (the “State Court Action”). This case involves claims arising out of an international flight from Cairo, Egypt to Houston, Texas serviced by Defendant. The Return of Service states Defendant was served on November 19, 2022. Defendant filed its Original Answer on December 20, 2022.

II.
JURISDICTION AND GROUNDS FOR REMOVAL

A. Civil Action Against a Foreign State 28 U.S.C. § 1441(d)

This Court possesses jurisdiction over this matter pursuant to 28 U.S.C. § 1441(d), and therefore, removal is proper under 28 U.S.C. § 1446. Under 28 U.S.C. § 1441(d), “Any civil action brought in a state court against a foreign state as defined in section 1603(a) of this title may be removed by the foreign state to the district court of the United States for the district and division embracing the place where such action is pending.” Defendant is a company which is owned by the Qatar government, with its principal place of business in Doha, Qatar. Therefore, this action is one against a foreign state and properly removable.

B. Federal Question Jurisdiction 28 U.S.C. § 1331

This Court possesses original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, and therefore, removal is proper under 28 U.S.C. § 1446. Under 28 U.S.C. § 1331, “The district courts [] have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The Convention for the Unification of Certain Rules for International Carriage by Air, opened for Signature at Montreal on 28 May 1999 (the “Montreal Convention”) provides the exclusive remedy to persons who suffer damages related to a covered international flight. As a treaty of the United States, the Montreal Convention is the supreme law of the land. Accordingly, this action is properly removable as one that asserts a claim under federal law.

III.
REMOVAL PROCEDURAL REQUIREMENTS

This Notice of Removal is properly filed in the United States District Court for the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. § 1446(a) because the 334th District Court of Harris County, Texas is located in this federal judicial district. *See* 28 U.S.C. § 1441(a).

This Notice is being filed with this Court within 30 days of the date of service of the citation and Petition on Defendant. Therefore, pursuant to 28 USC §1446 (b), this Notice of Removal is timely filed. *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 US 344, 119 S.Ct. 1332, 143 L. Ed. 2d, 448 (1999).

Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81, Defendant attaches hereto: (1) the Index of Matters File as Exhibit “A”; (2) a copy of the Docket Sheet in the State Court Action as Exhibit “B”; (3) a true and correct copy of the pleadings, including the State Court Notice of Filing of Notice of Removal, in this matter as Exhibit “C”; and (4) a list of counsel of record as Exhibit “D”. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served on Plaintiff, and copy is being filed with the Clerk of the 334th District Court of Harris County, Texas, where the State Court Action was pending.

The undersigned has signed this Notice pursuant to Federal Rule of Civil Procedure 11, in accordance with 28 U.S.C. § 1446(a).

IV.

CONCLUSION

Pursuant to, and in conformance with, federal law, Defendant Qatar Airways removes this action from the 334th District Court of Harris County, Texas, to this Court.

Respectfully submitted,

/s/ Kristin Newman
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ATTORNEYS FOR DEFENDANT QATAR AIRWAYS

CERTIFICATE OF SERVICE

This is to certify that on the 20th day of December, 2022, a true and correct copy of the following instrument was served upon all counsel of record pursuant to the FEDERAL RULES OF CIVIL PROCEDURE, as reflected below:

Via E-Service and CMRRR

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/s/ Kristin Newman
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